

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

VINCENT E. WHITE,  
Plaintiff

Case No. 1:05-cv-473

Spiegel, J.  
Black, M.J.

vs  
RICHARD K. JONES, et al.,  
Defendants

**REPORT AND RECOMMENDATION**

Plaintiff, an inmate at the Butler County Jail in Hamilton, Ohio, filed this action pro se alleging a violation of his constitutional rights.

On July 29, 2005, a Court order mailed to plaintiff was subsequently returned to the Clerk by the United States Postal Service as undeliverable/unable to forward. (Docket notation of 7/29/2005). Therefore, on August 15, 2005, the Court ordered plaintiff to show cause, within fifteen days, why this Court should not dismiss this case for lack of prosecution. (Doc. 9). This Order was sent to plaintiff by certified mail and also returned as “undeliverable/no longer at that address.” (Docket notation of 8/22/2005).

To date, more than fifteen days later, plaintiff has yet to reply to the Court’s Order. Accordingly, dismissal is appropriate. Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962); *Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991).

**IT IS THEREFORE RECOMMENDED THAT:**

1. Plaintiff’s complaint be **DISMISSED** with prejudice for lack of prosecution.
2. The Court certify pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal

of this Court's Order would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

Date 8/31/2005

s/Timothy S. Black  
Timothy S. Black  
United States Magistrate Judge

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**NOTICE TO THE PARTIES REGARDING THE FILING OF OBJECTIONS TO THIS  
R&R**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **TEN (10) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **TEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).